

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID GLUTH,

Petitioner,

v.

PAUL THOMPSON, et al.,

Respondent.

No. 2:22-cv-0133 AC P

ORDER

Petitioner, a federal prisoner, has filed a document styled as a petition under 28 U.S.C. § 2241. ECF No. 1. However, the document is in fact a motion requesting the court to consider the petition and all responses and motions filed in Kelley v. Thompson, No. 2:21-cv-1813 JAM KJN, as petitioner's filings in this case. No other pleadings have been filed by the petitioner.

In order to commence an action, petitioner must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 Cases (Habeas Rules),¹ and petitioner must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court cannot consider the pleadings and other moving papers of another individual in a separate case as petitioner's because they do not address petitioner's specific circumstances or show that petitioner is in custody in violation of the

¹ The Rules Governing Section 2254 Cases apply to proceedings undertaken pursuant to 28 U.S.C. § 2241. Habeas Rule 1(b).

1 Constitution or laws of the United States. The present motion will therefore be denied, and
2 petitioner will be given the opportunity to file a petition and to submit an application requesting
3 leave to proceed in forma pauperis or to submit the appropriate filing fee.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Petitioner's motion to consider pleadings in another case, ECF No. 1, is DENIED.
6 2. Petitioner is granted thirty days from the date of service of this order to file a petition
7 that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal
8 Rules of Civil Procedure, and the Local Rules of Practice. The petition must bear the docket
9 number assigned this case.

10 3. Petitioner shall also submit, within thirty days from the service of this order, an
11 application to proceed in forma pauperis on the form provided by the Clerk of Court or the filing
12 fee in the amount of \$5.00.

13 4. Petitioner's failure to comply with either requirement in this order will result in a
14 recommendation that this matter be dismissed.

15 5. The Clerk of the Court is directed to send petitioner the court's form for filing a
16 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and the application to proceed in
17 forma pauperis by a prisoner.

18 DATED: January 25, 2022

19 
20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE

22
23
24
25
26
27
28